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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference HB/vR 2222WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH00/00002	International filing date (day/month/year) 04 January 2000 (04.01.00)	Priority date (day/month/year) 21 January 1999 (21.01.99)
International Patent Classification (IPC) or national classification and IPC B65B 61/02		
Applicant ALUSUISSE TECHNOLOGY & MANAGEMENT AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>10</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 29 July 2000 (29.07.00)	Date of completion of this report 14 February 2001 (14.02.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH00/00002

1. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

☐ the international application as originally filed.

☒ the description, pages 3-5,7,9-11, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages 1,2,2a,6,8, filed with the letter of 12 December 2000 (12.12.2000).

☒ the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. 1-10, filed with the letter of 12 December 2000 (12.12.2000).

☒ the drawings, sheets/fig 1/2,2/2, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 5

because:

☒ the said international application, or the said claims Nos. 5 relate to the following subject matter which does not require an international preliminary examination (*specify*):

See annex

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

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International application No.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III

1. Claim 5 is incomplete and therefore cannot be examined.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-4, 6-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-4, 6-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4, 6-10	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: FR-A-2 717 449,

D2: EP-A-0 521 618.

2.1 Document D1 discloses a packaging material (see Claim 1; page 5, line 15 to page 6, line 8; page 8, lines 15-32; page 10, line 33 to page 11, line 9; Figures 1-3) with an easy-tear opener in the form of weakened zones 6, and 7 that are formed in at least one layer of the composite foil material constituting the packaging material and that lie at least partially in the area of the filling space.

2.2 The problem addressed by the application (page 2, lines 5-8: packaging material that best protects the material filled therein yet that can also be easily opened) is solved as defined according to Claim 1 by means of the formation and arrangement of the weakened zones as a series of cuts or a plurality of parallel individual cuts.

2.3 According to D1, the weakened zones are formed as

micropores. A suggestion in the direction of the formation of the weakened areas according to Claim 1 cannot be given by D1 due to the different form and orientation of the micropores.

This also applies to D2, wherein the weakened zones are present as an easy-tear opener in at least one layer of material outside the filling space in the form of discontinuities that are not more closely defined (see column 3, lines 41-55; Figures 2, 3: composite material 12 with weakened zones 22 and 34).

- 2.4 Since the remaining documents cited in the international search report are no more closely related, the subject matter of Claim 1 should fulfil the requirements of PCT Article 33(2) and (3).
3. For the above-mentioned comparable reasons, the method according to Claim 7 and the use according to Claim 10 fulfil the requirements of PCT Article 33(2) and (3).
4. Dependent Claims 2-4 and 7-9 pertain to further developments that likewise should fulfil the requirements of PCT Article 33(2) and (3).

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Claim 1 is not sufficiently delimited over D1 (PCT Rule 6.3(b)); see paragraphs 2.2 and 2.3 in Box V. above.
2. The requirements of PCT Article 5.1(a)(ii) are not fulfilled because documents D1 and D2 have not been sufficiently acknowledged in the description with regard to the subject matter of Claim 1.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The description of page 6, lines 18-23 has not been brought into line with the claims and leads to a lack of clarity pertaining to the claims (PCT Article 6).